

THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF TRADE 12/M-DAG/PER/4/2008 CONCERNING PROVISIONS ON THE IMPORT AND EXPORT OF RICE

(Regulation of the Minister of Trade No. 35/M-DAG/PER/8/2009 dated August 11, 2009)

BY GRACE OF GOD THE ALMIGHTY
THE MINISTER OF TRADE OF
THE REPUBLIC OF INDONESIA,

Considering:

- a. that in view of the current conducive national rice condition, it's potential to export national rice by observing food security;
- b. that rice export policy needs to support the export of rice belonging to certain kinds, the increase in income and welfare of rice farmers as well as create national economic stability;
- c. that based on the considerations as meant in letters a and b, it is necessary to stipulate a regulation of the Minister of Trade;

In view of:

1. Trade Ordinance of 1934 (Statute Book of the Republic of Indonesia Year 1938 No. 86), as already amended and supplemented;
2. Law Number 16 Year 1992 (*BN No. 5300 pages 17A-19A and so on*) on Animal, Fish and Plant Quarantine (Statute Book of the Republic of Indonesia Year 1992 No. 56, Supplement to Statute Book of the Republic of Indonesia No. 3482);
3. Law of the Republic of Indonesia No. 7/1994 on Ratification of Agreement Establishing the World Trade Organization (Statute Book of the Republic of Indonesia Year 1994 No. 57, Supplement to Statute Book of the Republic of Indonesia No. 3564);

4. Law of the Republic of Indonesia No. 10/1995 (*BN No. 5812 pages 19A-20A and so on*) on Customs (Statute Book of the Republic of Indonesia Year 1995 No. 75, Supplement to Statute Book of the Republic of Indonesia No.3612) as already amended by Law No. 17/2006 (Statute Book of the Republic of Indonesia Year 2006 No. 93, Supplement to Statute Book of the Republic of Indonesia No.4661);
5. Law of the Republic of Indonesia No. 7/1996 on Food (Statute Book of the Republic of Indonesia Year 1996 No. 99, Supplement to Statute Book of the Republic of Indonesia No. 3656);
6. Government Regulation No. 14 Year 2002 (*BN No. 6781 pages 15A-32A and so on*) on Plant Quarantine (Statute Book of the Republic of Indonesia Year 2002 No. 35, Supplement to Statute Book of the Republic of Indonesia No. 4196);
7. Government Regulation No. 68 Year 2002 on Food Security (Statute Book of the Republic of Indonesia Year 2003 No. 142, Supplement to Statute Book of the Republic of Indonesia No. 4254);
8. Presidential Decree No.260/1967 on Affirmation of Tasks and Responsibility of the Minister of Trade in the Foreign Trade Sector;
9. Presidential Decree No. 187/M/ 2004 (*BN No. 7128 pages 30A-31A*) on the Establishment of United Indonesia Cabinet as already amended several times and the latest by Presidential Decree No. 171/M/2005;
10. Presidential Regulation No. 9/ 2005 (*BN No. 7182 pages 2A-23A*) on Status, Tasks, Functions, Organizational Structures and Working Arrangements of State

Ministries of the Republic of Indonesia as already amended several times and the latest by Presidential Regulation No. 20/ 2008;

11. Presidential Regulation No. 10/2005 on First-echelon Organizational Units and Tasks of State Ministries of the Republic of Indonesia as already amended several times and the latest by Presidential Regulation No. 50/ 2008;
12. Decree of the Minister of Industry and Trade No. 558/ MPP/Kep/12/1998 (*BN No. 6252 pages 10A-12A and so on*) on General Provision in the Export Field as already amended the latest by Regulation of the Minister of Trade No. 01/M-DAG/PER/1/2007;
13. Regulation of the Minister of Trade No. 01/M-DAG/PER/ 3/2005 on the Organization and Working Arrangement of the Ministry of Trade as already amended several times and the latest by Regulation of the Minister of Trade No. 24/M-DAG/PER/6/2009;
14. Regulation of the Minister of Trade No. 12/M-DAG/PER/ 4/2008 (*BN No. 7672 pages 1A-12A*) concerning Provisions on the Import and Export of Rice as already amended by Regulation of the Minister of Trade 13/M-DAG/PER/3/2009;

Observing:

Letter of the Minister of Agriculture to the Minister of Trade No. 155/PP.310/M/7/2009 dated July 16, 2009 concerning the Export of Rice Belonging to Certain Kinds;

DECIDES:

To stipulate:

THE REGULATION OF THE MINISTER OF TRADE ON THE SECOND AMENDMENT TO REGULATION OF THE MINISTER OF TRADE NUMBER 12/M-DAG/PER/4/2008 CONCERNING PROVISIONS ON THE IMPORT AND EXPORT OF RICE

Article I

Several provisions in Regulation of the Minister of Trade No. 12/M-DAG/PER/4/2008 concerning Provisions on the Import and Export of Rice as already amended by Regulation of the Minister of Trade 13/M-DAG/PER/3/2009 shall be amended as follows:

1. The provision in Chapter V Article 10 is amended so as to read as follows:

CHAPTER V

EXPORT OF RICE

Article 10

- (1) The export of rice belonging to certain kinds as contained in Attachment III to this regulation may only be done if domestic rice stocks have exceeded the need.
- (2) The export of rice as meant in paragraph (1) (1) in the case of rice having shell or specific unhusked rice for the need of seeds with Tariff Heading HS 1006.10.00.00, Non-Thai Hom Mali fragrant rice with Tariff Heading HS 1006.30.19.00, and rice of other kinds with Tariff Heading HS 1006.30.90.00, which are not produced through organic agriculture system:
 - a. with the maximum broken rate 5% may be done by State-owned Enterprises, Regional Administration-owned Enterprises or Private Companies;
 - b. with the broken rate exceeding 5% up to 25% may only be done by Public Corporation BULOG.
- (3) Every company may export the rice as meant in paragraph (1) throughout year for:
 - a. glutinous rice with Tariff Heading HS 1006.30.30.00; and
 - b. rice

- b. rice produced through organic agriculture system Tariff Heading HS 1006.30.90.00 and HS 1006.30.19.00 with the broken rate ranging from 0% to 25%.
- (4) The export of rice belonging to:
- a. the kind as meant in paragraph (2) letter a and paragraph (3) may only be done after securing export approval from the Minister or the appointed official by regarding recommendation from the Minister of Agriculture or the appointed official;
 - b. the kind as meant in paragraph (2) letter b may only be done after securing export approval from the Minister by regarding recommendation from the Coordinating Team.
- (5) The companies as meant in paragraph (2) and paragraph (3) planning to secure the export approval of rice as meant in paragraph (4) shall submit a written application to the Minister through the Director General by enclosing:
- a. Trading Business License (SIUP);
 - b. Corporate Registry Number (TDP);
 - c. Organic Certificate obtained from domestic or overseas organic certification institutes already accredited by the Accreditation Board or Competent Authorities in the country or abroad, in the case of the export of rice as meant in paragraph (3) letter b;
 - d. Recommendation from the Minister of Agriculture or the appointed official, in the case of the export of rice as meant in paragraph (2) letter a and paragraph (3);
 - e. Recommendation from the Coordinating Team, in the case of the export of rice as meant in paragraph (2) point b; and
 - f. Confirmation Order from prospective buyer abroad.
- (6) Based on the application as meant in paragraph (5), in the case of the rice as meant in paragraph (2) letter a, the Minister or Director General on behalf of the Minister shall issue export approval per shipment.
- (7) Based on the application as meant in paragraph (5), in the case of the rice as meant in paragraph (2) letter b, the Minister shall issue export approval effective for 3 (three) months.
- (8) Based on the application as meant in paragraph (5), in the case of the rice as meant in paragraph (3) letters a and b, the Minister or Director General on behalf of the Minister shall issue export approval effective for 6 (six) months.
- (9) The approval or rejection of the export application as meant in paragraph (5) shall be issued in not later than 5 (five) working days as from the date of receipt of application completely.
- (10) The exported rice as meant in paragraph (2) and paragraph (3) shall be packed in a package by mentioning identity of company, produced in Indonesia, Prime Quality/Level of Broken.
2. The provision of Article 15 is amended so as to read as follows:
- Article 15
- (1) The companies as meant in Article 4 paragraph (3), Article 10 paragraph (2) letter a and letter b, as well as Article 10 paragraph (3) already securing import or export approval of rice shall be obliged to convey report on the realization of the import and export of rice, whether realized or not, in writing to the Minister with a copy made available to:

- a. the Coordinating Minister for Economy; and
- b. the Minister of Agriculture.

(2) The report as meant in paragraph (1) shall be conveyed every month on the 15th of the ensuing month.

3. Attachment III to Regulation of the Minister of Trade No. 12/M-DAG/PER/4/2008 concerning Provisions on the Import and Export of Rice as already amended by Regulation of the Minister of Trade 13/M-DAG/PER/3/2009 shall be amended so as to become as contained in the attachment inseparable from this regulation.

Article II

This regulation shall come into force as from the date of stipulation.

For public cognizance, the regulation shall be published by placing it Statute Book of the Republic of Indonesia.

Stipulated in Jakarta

On August 11, 2009

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

SIA

sgd

MARI ELKA PANGESTU

ATTACHMENT TO REGULATION OF THE MINISTER OF TRADE NO. 35/M-DAG/PER/8/2009

DATE : August 11, 2009

Kinds of Exportable Rice

No.	Tariff Heading	Description of Goods	Remarks
1.	10.06	Rice	Only for the need of seed
	1006.10.00.00	- Rice having shell (paddy or Unhusked rice)	
	1006.30	- Rice, milled partly or wholly, Crushed, polished or not -- Fragrant rice	
2.	1006.30.19.00	--Other	- Fragrant rice with Maximum broken Rate 5% - Fragrant rice produced Through organic Agriculture system With broken rate Ranging from 0% to 25%.

No.	Tariff Heading	Description of Goods	Remarks
3.	1006.30.30.00	-- Glutinous rice;	
4.	1006.30.90.00	-- Other	- Non-fragrant rice With broken rate Maximally 5%. - Non-fragrant rice Produced through Organic agriculture System with broken rate Ranging from 0% to 25%

THE MINISTER OF TRADE OF THE REPUBLIC OF INDONESIA

sgd

MARI ELKA PANGESTU

—==(R)—==